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JAN P. JOHNSON
Standing Chapter 13 Trustee
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IN RE:	)	Case No: 10-38050-B-13J
	)	DC No.: 18
)	
	)	TRUSTEE'S OPPOSITION TO
HARJIT SINGH,	)	MOTION TO CONFIRM DEBTOR'S
	)	SECOND AMENDED CHAPTER 13
	)	PLAN AND COUNTER MOTION
	)	TO CONDITIONALLY DISMISS CASE
SURINDER KAUR,)	
)	
)	
	)	DATE: FEBRUARY 8, 2011
	)	TIME: 9:32 A.M.
<u>Debtor(s)</u>	)	COURTROOM: 32

JAN P. JOHNSON, STANDING CHAPTER 13 TRUSTEE, opposes the Debtor(s)

motion as:

1. The plan payment in the amount of \$1,427.47 does not equal the aggregate of the

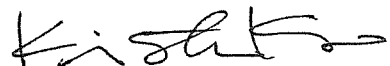
1 trustee's fees, monthly contract installments due on Class 1 claims, \$2,500.00 for administrative
2 expenses and monthly dividends for Class 1 arrearage claims and Class 2 secured claims as
3 required pursuant to Section 5.02 of the form plan. The aggregate of these amounts is \$3,672.70.

4 2. The plan filed on December 7, 2010 fails to provide for the secured proof of claim
5 filed by Bass & Associates in the amount of \$2,500.00. The plan fails to comply with 11 U.S.C.
6 §1325(a)(5)(A) or (B).

7 3. The plan is incomplete as it fails to specify a dividend to Class 2 claims in Section
8 3.11. It is impossible for the trustee to administer an incomplete plan.

9 WHEREFORE the movant prays that the Court enter an order denying confirmation of
10 the Debtor's Plan, and an order dismissing the case unless on or before February 22, 2011 the
11 Debtor files a new plan and all necessary and related motions, including without limitation
12 motions to value collateral and motions to avoid liens, properly serves the new plan and the
13 motion(s), and sets the motion(s) for hearing on the next available chapter 13 calendar that
14 provides proper notice for all of the motions to be heard on the same calendar. The trustee
15 consents to the Court's resolution of disputed material factual issues pursuant to FRCivP 43(c) as
16 made applicable by FRBP 9017.

17 Date: January 24, 2011

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19 /s/ Kristen A. Koo
20 KRISTEN A. KOO, Attorney for Trustee
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